

**JCA-UST-014**

<b>IN RE:</b> UST System Identification Number: UST - 02- ____ - ____	<b>ORDER NO.:</b> OC-UST-____ <b>Inspection Date:</b>
<b>Name of the Facility:</b>	<b>Operator of the UST System:</b>
<b>Owner of the UST System:</b>	<b>Person who receives the Order:</b>
<b>Physical Address where the UST System is located:</b>	<b>Postal address person who receives the Order:</b>
	<b>E-mail:</b> _____ <b>Phone:</b> _____

**CONSENT ORDER**

At \_\_\_\_\_ the facility described in the epigraph was inspected by an authorized representative of the Environmental Quality Board ("EQB") to determine compliance with the Regulation for the Control of Underground Storage Tanks ("RCUST").

During that inspection, \_\_\_\_\_ identified the following RCUST violations:

**I. TABLE OF VIOLATIONS**

The facility in reference are in violation of the following rules of the Regulation for the Control of Underground Storage Tanks:

Citation of the Regulation of Underground Storage Tanks			Amount of penalty fee assigned CONSENT	SUBTOTAL
<input type="checkbox"/>	Rule 808	Performance standards for new UST Systems	\$1,000	
<input type="checkbox"/>	Rule 808.A.1	Tanks	\$1,000	
<input type="checkbox"/>	Regla 808.A.2	Piping	\$1,000	
<input type="checkbox"/>	Rule 808.A.3	Spill and overfill prevention equipment	\$1,000	
<input type="checkbox"/>	Rule 808.A.4	Installation	\$500	
<input type="checkbox"/>	Rule 808.A.5	Certification of installation	\$500	
<input type="checkbox"/>	Rule 809	Upgrading of existing UST Systems	\$500	
<input type="checkbox"/>	Rule 809.A.1	Alternatives allowed	\$500	
<input type="checkbox"/>	Rule 809.A.2	Tank upgrading requirements	\$1,000	
<input type="checkbox"/>	Rule 809.A.2.a	Interior lining	\$1,000	
<input type="checkbox"/>	Rule 809.A.2.b	Cathodic protection	\$1,000	
<input type="checkbox"/>	Rule 809.A.2.c	Internal lining combined with cathodic protection	\$1,000	
<input type="checkbox"/>	Rule 809.A.3	Piping upgrading requirements	\$1,000	
<input type="checkbox"/>	Rule 809.A.4	Spill and overfill prevention equipment	\$1,000	
<input type="checkbox"/>	Rule 810	Requirements for tank vendors	\$200	
<input type="checkbox"/>	Rule 811	Permits for UST Systems	\$1,000	
<input type="checkbox"/>	Rule 811.A	General conditions and prohibitions	\$1,000	
<input type="checkbox"/>	Rule 811.B.1	Installation permit	\$1,000	
<input type="checkbox"/>	Rule 811.B.2	Operation permit	\$500	

Citation of the Regulation of Underground Storage Tanks			Amount of penalty fee assigned CONSENT	SUBTOTAL
<input type="checkbox"/>	Rule 811.C.1	Installation permit	\$1,000	
<input type="checkbox"/>	Rule 811.C.2	Operation permit	\$500	
<input type="checkbox"/>	Rule 811.C.3	Replacement permit	\$500	
<input type="checkbox"/>	Rule 811.C.4	Closure permit	\$500	
<input type="checkbox"/>	Rule 811.D.1	Installation permit	\$1,000	
<input type="checkbox"/>	Rule 811.D.2	Operation permit	\$500	
<input type="checkbox"/>	Rule 811.D.3	Replacement permit	\$500	
<input type="checkbox"/>	Rule 811.D.4	Closure permit	\$500	
<input type="checkbox"/>	Rule 811.E	Modification of permits	\$200	
<input type="checkbox"/>	Rule 811.F	Deny, suspend or revoke permits	\$1,000	
<input type="checkbox"/>	Rule 812	Quality assurance project process	\$500	
<input type="checkbox"/>	Rule 812.A	General requirements	\$1,000	
<input type="checkbox"/>	Rule 812.B	Corrective action requirements	\$1,000	
<input type="checkbox"/>	Rule 813	Spill and overfill control	\$1,000	
<input type="checkbox"/>	Rule 814	Operation and maintenance of corrosion protection	\$1,000	
<input type="checkbox"/>	Rule 815	Compatibility	\$500	
<input type="checkbox"/>	Rule 816	Repairs allowed	\$200	
<input type="checkbox"/>	Rule 817	Reporting and recordkeeping	\$500	
<input type="checkbox"/>	Rule 817.A.1	Reporting	\$500	
<input type="checkbox"/>	Rule 817.A.2	Recordkeeping	\$500	
<input type="checkbox"/>	Rule 817.A.3	Availability and maintenance of records	\$500	
<input type="checkbox"/>	Rule 818	Periodic testing of spill prevention equipment and containment sumps used for interstitial monitoring of piping and periodic inspection of overfill prevention equipment	\$1,000	
<input type="checkbox"/>	Rule 819	Periodic operation and maintenance walkthrough inspections	\$1,000	
<input type="checkbox"/>	Rule 828	General requirements for all UST Systems	\$1,000	
<input type="checkbox"/>	Rule 829	Requirements for petroleum UST Systems	\$1,000	
<input type="checkbox"/>	Rule 829.A.1	Tanks	\$1,000	
<input type="checkbox"/>	Rule 829.A.2	Piping	\$1,000	
<input type="checkbox"/>	Rule 829.A.2.a.i	Pressurized piping	\$1,000	
<input type="checkbox"/>	Rule 829.A.2.a.ii	Suction piping	\$1,000	
<input type="checkbox"/>	Rule 830	Requirements for hazardous substances UST Systems	\$1,000	
<input type="checkbox"/>	Rule 831.A.1	Inventory control	\$1,000	
<input type="checkbox"/>	Rule 831.A.2	Manual tank gauging	\$200	
<input type="checkbox"/>	Rule 831.A.3	Tank tightness testing	\$1,000	
<input type="checkbox"/>	Rule 831.A.4	Automatic tank gauging	\$500	
<input type="checkbox"/>	Rule 831.A.5	Vapor monitoring	\$1,000	
<input type="checkbox"/>	Rule 831.A.6	Groundwater monitoring	\$1,000	
<input type="checkbox"/>	Rule 831.A.7	Interstitial monitoring	\$500	
<input type="checkbox"/>	Rule 831.A.8	Statistical inventory reconciliation	\$1,000	
<input type="checkbox"/>	Rule 831.A.9	Other methods	\$200	
<input type="checkbox"/>	Rule 832	Methods of release detection for piping	\$1,000	
<input type="checkbox"/>	Rule 832.A.1	Automatic line leak detectors	\$1,000	
<input type="checkbox"/>	Rule 832.A.2	Line tightness testing	\$1,000	
<input type="checkbox"/>	Rule 832.B	Applicable tank methods	\$1,000	

Citation of the Regulation of Underground Storage Tanks			Amount of penalty fee assigned CONSENT	SUBTOTAL
<input type="checkbox"/>	Rule 833	Release detection recordkeeping	\$500	
<input type="checkbox"/>	Rule 837	Reporting of suspected releases	\$1,000	
<input type="checkbox"/>	Rule 838	Investigation due to off site impacts	\$500	
<input type="checkbox"/>	Rule 839	Release investigation and confirmation steps	\$500	
<input type="checkbox"/>	Rule 839.A.1	System test	\$1,000	
<input type="checkbox"/>	Rule 839.A.2	Site check	\$200	
<input type="checkbox"/>	Rule 840	Reporting and cleanup of spills and overfills	\$500	
<input type="checkbox"/>	Rule 843	Initial response	\$500	
<input type="checkbox"/>	Rule 844	Initial abatement measures and site check	\$1,000	
<input type="checkbox"/>	Rule 845	Initial site characterization	\$500	
<input type="checkbox"/>	Rule 846	Free product removal	\$500	
<input type="checkbox"/>	Rule 847	Investigations for soil and groundwater cleanup	\$500	
<input type="checkbox"/>	Rule 848	Corrective action plan	\$200	
<input type="checkbox"/>	Rule 849	Public participation	\$500	
<input type="checkbox"/>	Rule 851	Temporary closure of UST System	\$500	
<input type="checkbox"/>	Rule 852	Permanent closure and changes in service	\$500	
<input type="checkbox"/>	Rule 853	Assessing the site at closure or change in service	\$500	
<input type="checkbox"/>	Rule 855	Closure records	\$500	
<input type="checkbox"/>	Rule 856	Registration of new UST System	\$200	
<input type="checkbox"/>	Rule 857	Registration of existing UST System	\$200	
<input type="checkbox"/>	Rule 858	Registration of abandoned UST Systems	\$200	
<input type="checkbox"/>	Rule 859	Registration of previously deferred UST Systems	\$200	
<input type="checkbox"/>	Rule 860	Registration responsibility	\$200	
<input type="checkbox"/>	Rule 861	UST facility identification number	\$200	
<input type="checkbox"/>	Rule 862	Changes in the facilities data	\$200	
<input type="checkbox"/>	Rule 863	Responsibility and exemptions	\$1,000	
<input type="checkbox"/>	Rule 865	Amount and scope of required financial responsibility	\$500	
<input type="checkbox"/>	Rule 866	Allowable mechanisms and combinations of mechanisms	\$500	
<input type="checkbox"/>	Rule 874	Substitution of financial responsibility mechanisms by the owner or operator	\$200	
<input type="checkbox"/>	Rule 876	Reporting by owner and operator	\$200	
<input type="checkbox"/>	Rule 877	Recordkeeping	\$200	
<input type="checkbox"/>	Rule 880	Bankruptcy or other incapacity of owner and operator or provider of financial responsibility	\$200	
<input type="checkbox"/>	Rule 881	Replenishment of guarantees, letters of credit, or surety bonds	\$200	
<input type="checkbox"/>	Rule 888	General requirement for all UST Systems	\$500	
<input type="checkbox"/>	Rule 889	Designation of Class A, B, and C operators	\$200	
<input type="checkbox"/>	Rule 890	Requirements for operator training	\$200	
<input type="checkbox"/>	Rule 890.A.1	Class A operators	\$500	
<input type="checkbox"/>	Rule 890.A.2	Class B operators	\$500	
<input type="checkbox"/>	Rule 890.A.3	Class C operators	\$500	
<input type="checkbox"/>	Rule 891	Periods and updating of operators training	\$200	
<input type="checkbox"/>	Rule 892	Re-training	\$200	
<input type="checkbox"/>	Rule 893	Documentation	\$200	

Citation of the Regulation of Underground Storage Tanks			Amount of penalty fee assigned CONSENT	SUBTOTAL
<input type="checkbox"/>	Rule 896	Persons who are provisionally certified to board before the effective date of this regulation	\$200	
<input type="checkbox"/>	Rule 897	Suspension, revocation and modification of an UST System operator certification		
<input type="checkbox"/>	Rule 910	Monitoring, recordkeeping, reporting, sampling and testing methods	\$1,000	
<input type="checkbox"/>	Rule 910.A	Monitoring, recordkeeping, and reporting	\$1,000	
<input type="checkbox"/>	Rule 910.B	Sample collection and analysis	\$1,000	
<input type="checkbox"/>	Rule 910.C	Certification of records and reports	\$1,000	
<input type="checkbox"/>	Rule 910.D	Certification oath	\$200	
<input type="checkbox"/>	Rule 911	Equipment malfunction reporting	\$1,000	
<input type="checkbox"/>	Rule 912	Confidentiality of the information	\$1,000	
<input type="checkbox"/>	Rule 913	Right of entry to inspect	\$500	
<input type="checkbox"/>	Rule 928	Criteria to determine that a UST is ineligible to operate	\$500	
<input type="checkbox"/>	Rule 929	Mechanisms to identify an UST as ineligible	\$500	
<input type="checkbox"/>	Rule 930	Process to reclassify a UST from ineligible to eligible	\$500	
<input type="checkbox"/>	Rule 931	Process to apply the prohibition against filling and dispatching fuel products in rural and remote areas	\$500	
<input type="checkbox"/>	Rule 932	General prohibitions for filling and dispatching fuel products	\$500	
<input type="checkbox"/>	Rule 935	General prohibition against the pollution of surface waters, coastal waters, groundwater, soil and subsoil	\$1,000	
<input type="checkbox"/>	Rule 936	General requirement for compliance with regulation	\$1,000	
<input type="checkbox"/>	Rule 937	General prohibition on handling of regulated substances	\$1,000	
<input type="checkbox"/>	Rule 938	General prohibition against illegal operation of an UST System	\$500	
<input type="checkbox"/>	Rule 940	Prohibitions for the operation of retail gasoline service stations, gasoline service stations that supply government vehicles, private organizations and motor vehicle dealers	\$1,000	
<input type="checkbox"/>	Rule 940.A	During school hours	\$1,000	
<input type="checkbox"/>	Rule 940.B	Prohibitions for locating retail gasoline service stations	\$1,000	

**Total to pay for violations found**      \$

## II. Consent Order

The Article 9 (A) (5) of Act No. 416-2004, known as the Environmental Public Policy Act, empowers the EQB to initiate and process, until its final resolution, administrative or judicial actions against any natural or legal person, public or private, represented by the attorneys of the Department of Justice, its own lawyers or those who contract for such purpose, to enforce the provisions of this Act and the regulations approved by the Board under its protection. In compliance with the Uniform Administrative Procedures Act, Act No.38-2017, Section 1.2, the public policy of the EQB is to encourage the informal resolution of administrative disputes in a manner that makes it unnecessary to formally resolve the issues submitted to the agency.

In response to the above, the EQB offers the owner or operator of the facility in the epigraph this Consent Order in order to resolve the violations specified in Part I, subject to the following terms and conditions:

1. The owner or operator certifies, under penalty of perjury, that, as it appears from Part I, he has corrected the violation or violations indicated and that he has remitted the payment for the entirety of \$ \_\_\_\_\_.
2. Once the present Order has been approved by Consent, the EQB agrees not to initiate an administrative procedure with respect to the violations indicated in Part I. Provided, however, that the EQB may initiate administrative actions against the owner or operator for past violations, present or future to the RCUST, and that have not been included in the present Consent Order.
3. The owner or operator, once approved the present Consent Order, expressly renounces the right that attends him to appear at a hearing on his merits in relation to the violations notified by the technical personnel of the EQB and that appear in the present document.
4. The owner or operator, accepts and recognizes the jurisdiction of the EQB in this case, and that the breach of any clause or condition herein expressed will result in the imposition of sanctions in accordance with Act No. 416 supra, and / or legal actions for breach of contract.

This Consent Order is binding for the owner or operator and the EQB, once the EQB subscribes the same; however, the final approval of this Consent Order rests solely with the discretion of the Executive Director of the EQB or the person delegated by that function.

**III. Instructions.**

To avail itself of this **Consent Order**, you must sign and present this document in the Legal Affairs Office of the EQB together with the evidence of payment of the agreed fine within a term of thirty (30) days from the delivery of the same. Similarly within the same term of thirty (30) days, you must correct the indicated deficiencies and present evidence of such action in the Legal Affairs Office, as well as in the Control Division of Underground Storage Tanks. The EQB may, in its discretion, grant an additional term of thirty days to carry out corrective activities as long as the owner or operator demonstrates that it is technically impossible to do so within the term of thirty (30) days provided. The EQB will notify a copy of this **Consent Order**, once it is approved to the electronic or postal address provided by the owner, operator or authorized representative.

The EQB will not accept or approve a **Consent Order** that is submitted once the term of thirty (30) days has elapsed to present the same, except that the EQB would have approved the extension requested in due time. This **Consent Order** does not constitute an administrative procedure, as established in the Uniform Administrative Procedures Act, *supra*, and therefore is not subject to judicial review, in accordance with the provisions of section 4.2 of said statute.

Failure to comply with the term provided, this **Consent Order** is withdrawn without prejudice to the EQB initiating an adjudicative procedure in accordance with the Uniform Administrative Procedures Act and the Rules of Procedure for Administrative Hirings of the Environmental Quality Board of Puerto Rico, Regulation No. 3672 of October 19, 1988, as amended, for the deficiencies indicated in this document as well as any other that is identified. Failure to submit this **Consent Order** does not relieve the owner or operator of their obligation to comply with the RCUST, as well as to correct the deficiencies indicated in this document. If the EQB determines to initiate an administrative procedure to correct the violations or the imposition of administrative fines, the owner or operator will be warned of their rights under the applicable laws and regulations.

In the event that the **Consent Order** is filed without having made the corresponding payment for the agreed fine within the term of thirty (30) days, except that the extension described above has been granted, it must be considered withdrawn, without prejudice that the EQB initiate an adjudicative procedure in accordance with the Uniform Administrative Procedures Act and the Rules of Procedure for Administrative Hirings of the Environmental Quality Board of Puerto Rico, *supra*, for the deficiencies indicated in this document as well as any other identify

Failure to deliver this document within thirty (30) days does not exempt you from your responsibility to fully comply with the conditions of your permit, the applicable regulations and to correct the measures indicated by the EQB.

**IV. Agreement**

I, \_\_\_\_\_ certify that I have observed the violations to the RCUST indicated in Part I of this letter that was notified today \_\_\_\_\_.

\_\_\_\_\_  
Signature of the EQB inspector

I, \_\_\_\_\_ (owner, operator or authorized representative of the facility), agree to have been notified of this **Consent Order** today \_\_\_\_\_ and that as of this date I have a term of 30 days to comply with the terms and conditions set forth in the present writing.

\_\_\_\_\_  
Signature of the owner, operator or authorized representative of the facility

**FOR OFFICIAL USE**

Given in San Juan, Puerto Rico, today \_\_\_\_ of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
**EXECUTIVE DIRECTOR**